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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DOUGLAS TROESTER, on behalf of
himself, and all others similarly
situated,

Plaintiffs,

v.

STARBUCKS CORPORATION, a
Washington corporation; and DOES 1-
50, inclusive,

Defendants.

Case No. 2:12-cv-07677-GAF-PJW

**DECLARATION OF JONATHAN
P. SLOWIK IN SUPPORT OF
DEFENDANT STARBUCKS
CORPORATION'S REPLY IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, SUMMARY
ADJUDICATION**

[Reply Memorandum, Reply Separate
Statement, Evidentiary Objections, and
Responses to Plaintiff's Evidentiary
Objections, filed concurrently]

Date: March 10, 2014

Time: 9:30 a.m.

Crtrm: 740

Judge: Hon. Gary A. Feess

Date Action Filed: August 6, 2012

DECLARATION OF JONATHAN P. SLOWIK

I, Jonathan P. Slowik, hereby declare as follows:

1. I am an associate at the law firm of Akin Gump Strauss Hauer & Feld LLP, and counsel of record for defendant Starbucks Corporation in this action. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently to these facts under oath. I submit this supplemental declaration in support of Defendant Starbucks Corporation's Motion for Summary Judgment or, in the Alternative, Summary Adjudication.

2. I have reviewed Shaun Setareh's analysis of Douglas Troester's time records and the alarm records of Troester's store, attached as Exhibit AA to the Setareh Declaration. I have compared the data used by Mr. Setareh in his analysis to the alarm records for Troester's store, attached to the declaration of Joshua Long as Exhibit I.

3. My review revealed significant errors in Mr. Setareh's analysis. In at least seven entries, Mr. Setareh's spreadsheet lists the wrong alarm time. Collectively, these incorrect times inflate Mr. Setareh's estimate for "time of [sic] clock" by 6 hours, 44 minutes.

4. For Troester's February 14, 2009 shift, Mr. Setareh uses an alarm time of 12:07 a.m. (This was the alarm time for the previous closing shift.) In fact, the alarm was set at 10:44 p.m. Troester clocked out that night at 10:43 p.m. [Long Decl., Ex. I at 216; Rutt Decl., Ex. G at 142.]

5. For Troester's March 26, 2009 shift, Mr. Setareh uses an alarm time of 10:53 p.m. (This was the alarm time for the previous closing shift.) In fact, the alarm was set at 10:48 p.m. Troester clocked out that night at 10:47 p.m. [Long Decl., Ex. I at p. 220; Rutt Decl., Ex. G at 146.]

6. For Troester's May 6, 2009 shift, Mr. Setareh uses an alarm time of 10:58 p.m. While the alarm was, in fact, set at this time, it was initially set at 10:56 p.m. Troester clocked out that night at 10:51 p.m. [Long Decl., Ex. I at 225; Rutt Decl., Ex. G at 150.]

1 7. For Troester's May 9, 2009 shift, Mr. Setareh uses an alarm time of
2 10:58 p.m. This appears to be a typographical error, because in fact, the alarm was set
3 at 10:36 p.m. Troester clocked out that night at 10:36 p.m. [Long Decl., Ex. I at 225;
4 Rutt Decl., Ex. G at 150.]

5 8. For Troester's August 8, 2009 shift, Mr. Setareh uses an alarm time of
6 11:09 p.m. This appears to be a typographical error, because in fact, the alarm was set at
7 10:32 p.m. Troester clocked out that night at 10:31 p.m. [Long Decl., Ex. I at 236; Rutt
8 Decl., Ex. G at 159.]

9 9. For Troester's November 21, 2009 shift, Mr. Setareh uses an alarm time of
10 12:38 a.m. (This was the alarm time for the previous closing shift.) In fact, the alarm
11 was set at 10:39 p.m. Troester clocked out that night at 10:38 p.m. [Long Decl., Ex. I at
12 247; Rutt Decl., Ex. G at 169.]

13 10. For Troester's July 27, 2010 shift, Mr. Setareh uses an alarm time of
14 1:07 a.m. While the alarm was, in fact, set at this time, it was initially set at 10:51 p.m.
15 Troester clocked out that night at 10:51 p.m. [Long Decl., Ex. I at 271; Rutt Decl., Ex.
16 G at 192.]

17 11. In Mr. Setareh's analysis, he includes the seconds place in the alarm times
18 but not the punch times. Collectively, this discrepancy inflates Mr. Setareh's estimate
19 for "time of [sic] clock" by 2 hours, 3 minutes.

20 12. Attached hereto as **Exhibit A** is a true and correct copy of relevant pages
21 from the Deposition Transcript of Paul O'Leary, dated January 24, 2014.

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13. Attached hereto as **Exhibit B** is a true and correct copy of relevant pages from the Deposition Transcript of Jana Rutt, dated January 8, 2014.

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 24th day of February, 2014 at Los Angeles, California.

/s/ Jonathan P. Slowik
Jonathan P. Slowik